IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.999 OF 2005

Rajaram K. Kharbade ....Petitioner

Versus

Union of India & Anr. ....Respondents

Mr.J. S. Kini for the Petitioner.
None for the Respondents.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 28TH JUNE, 2005.

P.C. :

The Petitioner has challenged the order of the Central Administrative Tribunal dismissing his Original Application. The Original Application, sought to set aside the charge sheet dated 24th July, 1990, an order of the Disciplinary Authority dated 18th August, 1993 and the order of the Appellate Tribunal affirming the same. The Petitioner was dismissed from service by the order of the Disciplinary

Authority dated 18th August, 1993. The Petitioner has also sought reinstatement with all consequential benefits and costs.

2. The Petitioner was employed in the office of the Chief Post Master General, Maharashtra Circle. The Petitioner was proceeded against departmentally under Rule 14 of the CCS (CCA) Rules, 1965 for having collected an amount of about Rs.14,00,000/- from various employees purportedly for getting them sites in the proposed land to be obtained from the State Government. He had done so without obtaining prior permission from the appropriate authority.

3. The facts are admitted. The Petitioner admittedly raised the said money from his co-employees. The Petitioner was not entitled to do so without obtaining prior sanction of the concerned authority. The bar against the same was provided by CCS (Conduct) Rules, 1964 and in particular Rules 3(1)(iii) and 12 thereof.

4. The Central Administrative Tribunal by the impugned order dated 31st October, 2001 dismissed the Petitioner's Original Application.

5. Firstly, there is no valid explanation why the Petitioner filed this Petition after almost four years. We are not at all satisfied with the

explanation furnished in paragraph 16 of of the Writ Petition. He states that he lost his mental equilibrium during this period due to the injustice caused to him. If he was genuinely aggrieved by the order, he ought to have filed this Writ Petition earlier.

6. The Central Administrative Tribunal has dealt with the issues exhaustively. There is nothing in the impugned order which warrants any interference. Mr.Kini, the learned counsel appearing on behalf of the Petitioner was unable to indicate any flaw in the reasonings of the Central Administrative Tribunal. The Central Administrative Tribunal has correctly observed that the money was collected without the previous sanction of the concerned authority even prior to the registration of the proposed co-operative housing society. No land had even been alloted to the society.

7. In the circumstances, the Writ Petition is dismissed. There shall however, be no order as to costs.

CHIEF JUSTICE

S.J. VAZIFDAR, J.